

Notice of Allowability

Application No.

09/741,411

Examiner

Khanh Tran

Applicant(s)

PARTYKA, ANDRZEJ

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 11/7/2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. The Amendment filed on 11/7/2006 has been entered. Claims 1-20 are pending in this Office action.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification, under the title "Cross-Reference To Related Applications",
"This application claims the benefit, and is a continuation-in-part of, U.S. application Ser. No. 09/057,859, filed on April 9, 1998, and entitled "Frequency Hopping System for Intermittent Transmission with Receiver Using Individual Tracking, FFT, and Authentication"

has been changed to

-- This application claims the benefit, and is a continuation-in-part of, U.S. application Ser. No. 09/057,859, filed on April 9, 1998, and entitled "Frequency Hopping System for Intermittent Transmission with Receiver Using Individual Tracking, FFT, and Authentication, **now U.S. Patent No. 6,188,715** --.

Response to Arguments

3. Applicant's arguments, see Applicant's Remarks, pages 5-10, filed on 11/7/2006, with respect to claims 18-20 have been fully considered and are persuasive. The rejection of claims 18-20 has been withdrawn.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

4. Regarding claim 1, claim is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a method of authentication in a telemetry system, the method comprising "holding, by a receiver, simultaneously for each of said plurality of transmitters, data indicative of an expected frequency and an expected time of at least one future transmission" and "authenticating transmissions based on an expected and actual transmission frequency and time".

5. Regarding claim 8, claim is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a receiver for authenticating telemetry transmission, the receiver comprising "logic for holding simultaneously for each of said plurality of transmitters, data indicative of an expected frequency and an expected time of at least one future transmission" and

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"authenticating transmissions based on an expected and actual transmission frequency and time".

6. Regarding claim 15, claim is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a frequency-hopping telemetry transmitter comprising "said transmitter is for varying encryption, for said transmissions, based, at least in part, on said frequency-time pattern".

7. Regarding claim 18, claim is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a frequency-hopping telemetry transmitter comprising "wherein said transmitter is for modification of at least a portion of known data for transmission using a modifier that is varied based, at least in part, on said frequency-time pattern".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT

Khanh Tran 04/10/07

Khanh Tran
Primary Examiner